REMARKS

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Claims 1, 2, and 25 have been amended to clarify the invention. New claims 26-28 have been added to claim additional methods of use of the polypeptide of claim 1. Justification for new claim 26 is found in the specification, for example, at page 28, lines 16-21 which describes methods for the preparation of monoclonal antibodies. Justification for new claims 27 and 28 is found in the specification, for example, at page 6, lines 10-13 (agonists), at page 7, lines 18-21 (antagonists), and at page 50, Example X which describes an assay for measuring agonism and antagonism of GSTS activity. No new matter is added by any of these amendments, and entry of the amendments is respectfully requested.

This is in response to the Restriction Requirement mailed March 23, 2001 (Paper Number 5) in the above-referenced application.

Claims 1, 2, 14-19, and 22-25 were originally filed. In the Restriction Requirement, the Examiner requested Applicants to elect the claims corresponding to one of the following inventions:

Group I (claims 1, 2, and 14) drawn to a polypeptide.

Group II (claim 15) drawn to antibodies.

Group III (claim 16) drawn to agonists.

Group IV (claim 17) drawn to antagonists.

Group V (claims 18-19) drawn to therapeutic methods.

Group VI (claim 22) drawn to a method of producing an antibody.

Group VII (claims 23-24) drawn to a method of screening using the GSTS polypeptide.

Group VIII (claim 25) drawn to a method of purification using the GSTS polypeptide.

In response to the restriction requirement, Applicants elect the claims of Group I (claims 1, 2, and 14) with traverse. Applicants submit that the invention encompassed by the claims of Group I (drawn to polypeptides) could be examined at the same time as the inventions

encompassed by the claims of Groups II-IV and VI-VIII, as well as new claims 26-28. For example, a search of the prior art to determine the novelty of the polypeptide of the invention would provide information regarding antibodies, agonists and antagonists of the polypeptide, as well as methods of use of the polypeptide, such as making antibodies and screening for agonists and antagonists of the polypeptide.

Accordingly, because the searches required to identify prior art relevant to the claims of Groups II-IV and VI-VIII, as well as new claims 26-28, would substantially overlap, Applicants respectfully submit that examination of originally filed claims 1, 2, 14-17, 22-25, as well as new claims 26-28 would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the claims in Groups I-IV and VI-VIII, as well as new claims 26-28. Applicants further submit that the Examiner's requirement for an election of species relative to the claims of Group VII under 35 USC § 121 is inappropriate as the claims are not directed to any species or other composition of matter, rather they are methods of use of the polypeptide of claim 1 that depend from and are of the same scope as claim 1 and are therefore subject to rejoinder pending allowance of claim 1 in accordance with *Ochiai and Brouwer.* See M.P.E.P. § 821.04 and the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products.

In the event that the Examiner determines that the Restriction Requirement should be maintained, Applicants reserve the right to prosecute the non-elected claims in subsequent divisional applications.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108.**

This form is enclosed in duplicate.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: April 4, 2001

David G. Streeter, Ph.D.
Reg. No. 43,168
Direct Dial Telephone: (650) 845-5741

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 845-4166

Version with markings to show changes made

IN THE CLAIMS:

Claims 1 , 2, and 25 have been amended as follows:

1. (Twice Amended) A [substantially] purified polypeptide [new glutathione S-transferase (GSTS)] comprising an [the] amino acid sequence selected from the group consisting of:

a) an amino acid sequence of SEQ ID NO:1,

b) a naturally-occurring amino acid sequence having at least 90% sequence identity to the sequence of SEQ ID NO:1,

c) a biologically-active fragment of the amino acid sequence of SEQ ID NO:1, and

d) an immunogenic fragment of the amino acid sequence of SEQ ID NO:1[, or a catalytic or immunogenic fragment of SEQ ID NO:1].

2. (Once Amended) A [substantially] purified polypeptide [variant of GSTS having at least 90% amino acid identity to the amino acid sequence] of claim 1 having a sequence of SEQ ID NO:1.

25. (Once Amended) A method for using a protein to screen a plurality [large number] of molecules or compounds, the method comprising:

(a) combining the protein of claim 1 with the compound or molecule under conditions to allow complex formation; and

(b) detecting complex formation, wherein the presence of the complex identifies a molecule that specifically binds the protein.